



The Trial of Friendly Frank's

In November 1986, a comics shop called Friendly Frank's in Lansing, Illinois, just south of Chicago, was busted for obscenity, and its manager, Michael Correa, arrested for selling obscene materials... though the arresting and instigating officer originally stated for the press that his purpose was to stamp out satanism, his theory being that satanism was bred and promoted by comic books.

40 different comics were listed in the indictment, including *Elfquest* and *The Chronicles of Corum*. The officer stated he had seen a "youth" (not a "child") reading a "pornographic comic" (*Heavy Metal*, widely available on most newsstands throughout the country).

No "youth" was ever identified, produced or cross-examined at the trial, and the age of the "youth" was never determined.

The police deliberately misrepresented the store to the press, claiming that it catered to children while market surveys demonstrated that more than 80% of the store's clientele was over 18.

Michael Correa was, in effect, arrested, smeared by the police as a pornographer in his home town, and subjected to harassment for selling adult materials to an adult.

The police claimed that the "obscene" material was easily accessible to children, but most of what was on the list presented to the judge was stored behind the

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Who Watches the Watchdogs?

If you write or draw comics, you've heard of Steve Geppi, the most powerful distributor of comic books in the direct sales market. His Diamond Comic Distributors, Inc. circulates between 25% and 30% of the comics sold to specialty shops in America.

Geppi has also gained a reputation for pressuring publishers into censoring "adult" material from the comics. When your editor tells you to change your work because "the distributors" won't like it, he means Steve Geppi won't like it.

Last year, Geppi's campaign against comics like *Miracleman*, *Captain Jack*, and *Elektra* reached its climax when he and Texas retailer Buddy Saunders petitioned comics publishers to return all comics to the sanitized days of the Comics Code. Geppi and Saunders presented a mixed bag of economic threats, declarations of moral out-

rage, and shrieks of terror over what might happen should the media find out that comics aren't written just for children anymore. DC Comics was quick to accommodate them with a self-imposed rating system, which evaporated in the face of a protest by comics artists and writers.

Geppi and Saunders came to realize that their bid for power translated poorly to the pages of *The Comic Buyers' Guide*. Comics readers and

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BRAKABRAKABRAKBRK

"LOVE AND EMP- TY POCKETS" Dept.:

You know that black and white publisher/journalist who makes a big noise about creative freedom? He puts it into practice so well that the creators of the books he publishes, specifically the siblings doing his most famous book, are free to paint and do repairs on the publisher's house in lieu of a decent page rate for their material.....

BITING THE HAND THAT FEEDS YOU" Dept.:

Is The Wonderful World Of Comics Convention changing its name? The way things are going, they won't have any comics participation soon. This year, the Oakland-based convention invited scores of professionals, then started hitting up the publishers to pay for those pros' expenses, including their hotel rooms (regularly provided to convention guests for free by every other convention). Why? Seems the WWCC is bringing in *Star Trek* actors for tidy fees, and they're pulling the rug out from under comics professionals to pay for it. Among their suggestions for saving money: fly professionals in for a single day (airfare paid by the publishers, of course), or book them four or five to a hotel room... If comics conventions are going to pay fees for media people to attend, they may soon find themselves paying fees for comics professionals as well...

"WRITING RINGS AROUND EACH OTHER" Dept.:

This one involves that long-running Silver Age character, who recently lost what was sort of his own book, to become the solo star of an 8 pg. series in that new Weekly comic. Seems the managing editor, who we'll call *Editor A*, and the feature's editor, who we'll call *Editor B*, worked out a new concept for the character. *Editor B*, who has a good public reputation but is widely known to be completely de-



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pendent on his assistants, brought in *Writer X*, a semi-popular writer with that other company, and sent him off to write the first couple of stories — without telling him the new concept. So *Writer X* does the stories, that wonder of an artist draws a cover for the weekly based on *Writer X*'s stories, and the strip is the only one in the book that's going fine, the rest of the strips being in various stages of chaos. *Editor B* proudly takes the two stories, now completely drawn, to *Editor A*, who looks them over and asks, "But where's the concept?" So *Editor A* says to postpone those stories and get new ones done. The scapegoat for the whole affair, *Writer X* gets replaced on the series... "HOW SOON THEY FORGET" Dept.:

At that recent editorial retreat by that company known for them,

the company's executive vice president startled everyone in the middle of it by hauling out a list of professionals in the business and where they rank in order of company preference. At the top? Frank Miller, John Byrne, and Alan Moore. At the bottom: Jack Kirby and Steve Ditko. We sure would like to see the rest of the list...

"HERE COMES THE WEEKEND" Dept.: Remember how that other major company recently polled its readers to learn whether they wanted to see that company's new weekly book on a weekly or bi-weekly basis? Turns out the voting was fixed. Rumor has it the company's newsstand distributor refused to handle a weekly, citing too much bookkeeping and not enough on-sale time... "DON'T GET MAD, GET EVEN" Dept.: Is Don Martin's departure from MAD over copyrights and ownership of originals just the first in a series of similar departures? Bill Gaines's ongoing auction of MAD and EC originals has triggered a spate of bad feelings. Gaines pays the artists a cut of the take, but most would rather have their artwork back... "FAMILIARITY BREEDS CONTEMPT" Dept.: He's that career comics

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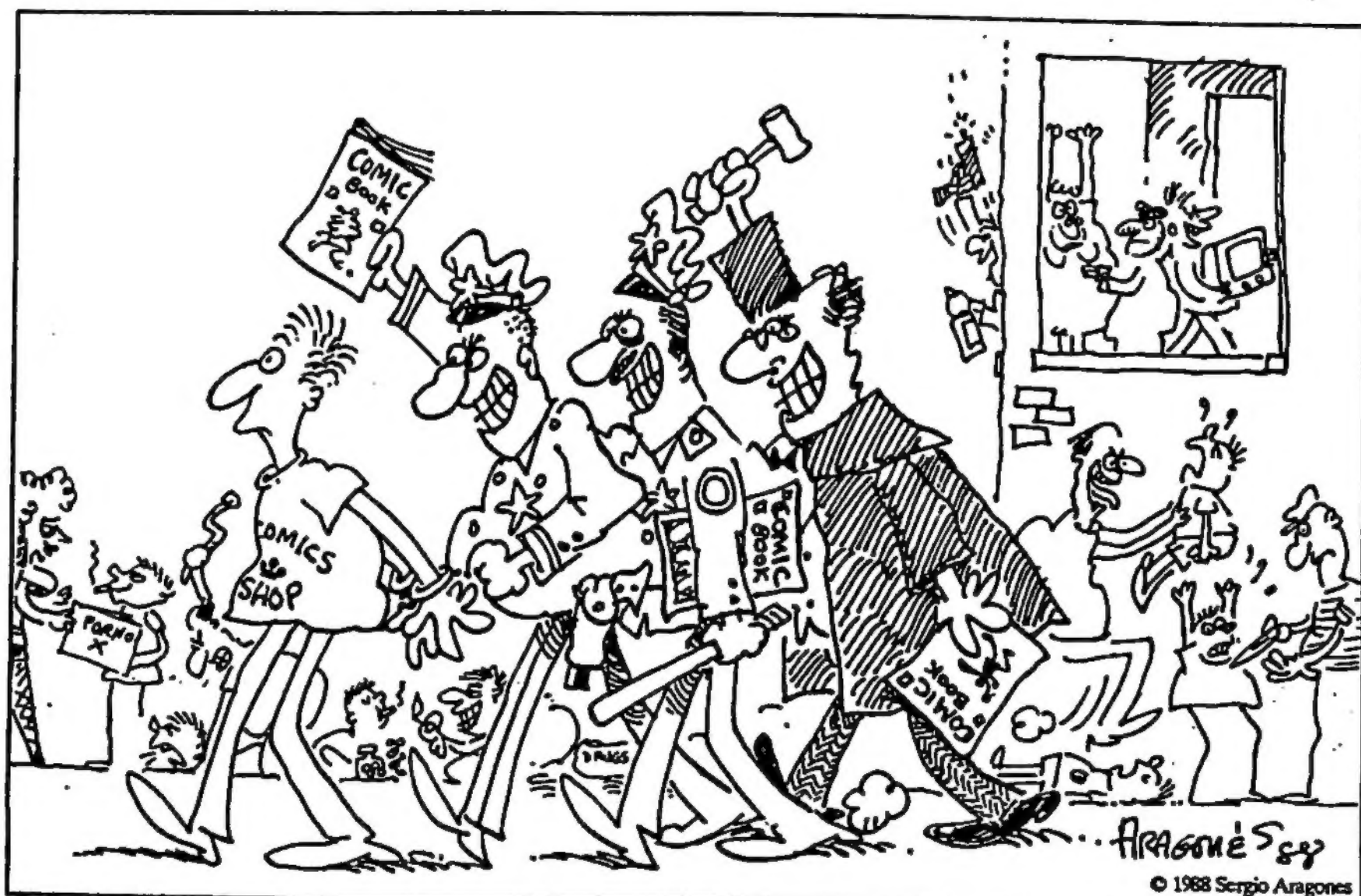
artist, very popular in the 50s and 60s, who we'll call *Old Timer*. He was told by that major company that his style was now "not commercial" and if he wanted a future in the business he should draw like *Fan Favorite*. *Old Timer* was incensed, particularly because *FF's* latest cover was "an homage" to *Old Timer's* "non-commercial" work... "RUMORS OF MY DEMISE" Dept.: That *Long Time Artist* found himself not getting work from the company that employed him for over 20 years because an editor had spread the word that *Long Time* had died. At the same time, the same company wasn't returning artwork to that *Other long time artist* because the company's art returns department had pronounced *Other* dead... "WHY CAN'T JOHNNY PROOFREAD?" Dept.: The last six months have seen an alarming rise from all companies in story pages missing from books, story pages out of sequence, wrong covers on comics, wrong credits on covers, and ghastly spelling errors...

"DIAMOND IN THE ROUGH" Dept.: That *Big Time Distributor* has been getting queasy about a lot of material lately. The latest story has it that he was refusing to carry *Mr. Famous Writer-Artist's* latest book, an explicit serialized epic from that *Little Canadian Publisher*. Seems *Big* was adamant about it, until he learned that *Little* was going to use his refusal to publicize the book. *Big* did a quick about face, the better to stave off accusations of censorship... Will *Mr. Famous Writer-Artist* send *Big* a big wet "kiss" of gratitude?... "D.I.Y" Dept.: Has Alan Moore started

his own comics company, *Mad Love*, whose first book is to be a protest against the heinous anti-gay legislation making the rounds in Parliament? Our sources say it's so... DID YOU NOTICE that Mort Drucker was mentioned in the Feb. 10th episode of *St. Elsewhere*? Mort was also mentioned by Michael J. Fox on *The Tonight Show*...

"PET PEEVES" Dept.: Could all those comics fanzines/newszines (you know who you are, Don and Maggle) please stop reprinting press releases from publishers bragging about how their books sell out... unless those same publishers are willing to list actual sales figures in their press flak? A sellout of 50,000 copies from an alternate is a big deal, a sellout of 5,000 copies isn't... TOOTH DECAY Dept.: Wonder why that hot new comics line positioned to gobble up the independent talent has yet to put anything out? Is it true that its editor, who has reportedly dumped his hip togs for three piece suits again (and looks much better that way) went to the publisher of his *Parent Company* and reiterated everything freelancers had told him: that the new line wouldn't get off the ground unless it offered full creator rights, including creator ownership, which the parent company has always been loathe to surrender? And is *Parent* now wondering if the new line didn't bite off more than it can chew?...

If you go onto a book, or drop off a book, or make any other career moves, drop us a line about it so we can announce it here.



talent will have none of it. Since their defeat, they've quietly continued their campaign for distributor and retailer control of the contents of comics. Most of this has been done by telephone calls to comics publishers.

Publishers have been threatened with suppression of their comics. *Omaha*, *The Cat Dancer*, *Marshall Law*, *French Ice*, *Yummy Fur*, and many other comics faced pressure from Geppi and Saunders. First Comics flirted briefly with the idea of a Saunders-ordered rating system, then dropped it when a more reasonable retailer rejected the idea.

What follows is a blow-by-blow chronicle of one of Diamond's shoddier attempts at flexing its economic muscle. It shows how the people who move comics from place to place can hurt the people who write and draw them. It shows how ready one distributor was to arbitrarily deprive two artists of their livelihood.

Dave Sim decided to distribute his *High Society* graphic novel himself, through mail order, cutting out the middleman distributors. Dave also publishes Stephen Murphy's and Michael Zulli's *Puma Blues*, which is made available to every comics distributor in the country.

Geppi struck *Puma Blues* from his order sheets, effectively rendering it unavailable to several states in the Southeast — and to almost one third of its readers.

What's the connection? *High Society* features Dave's *Cerebus*, and Dave's monthly *Cerebus* makes Diamond a nice piece of change each month. *Puma Blues*, like many "small" comics, survives on much effort and a shoestring.

Geppi's share of copies made available to potential readers could well mean life or death for Murphy's and Zulli's environmentalist effort. Geppi wouldn't jeopardize his profits from *Cerebus*, but he wanted to pressure Dave Sim into supplying him with *High Society*, soooo...

Round One: A letter from Geppi's Diamond Distributors

December 23, 1987

Mr. Dave Sim

Aardvark-Vanaheim

P.O. Box 1674, Ste. C

Kitchener, Ont., Canada N2G 4R2

Dear Dave:

The purpose of this correspondence is to discuss with you the recent development regarding the proposed second printing of the trade paperback "*High Society*".

When *High Society* was first announced, we were very upset that you chose not to use credit-worthy distributors to handle this product.

After selling 6,000 copies of *High Society* to consumers and

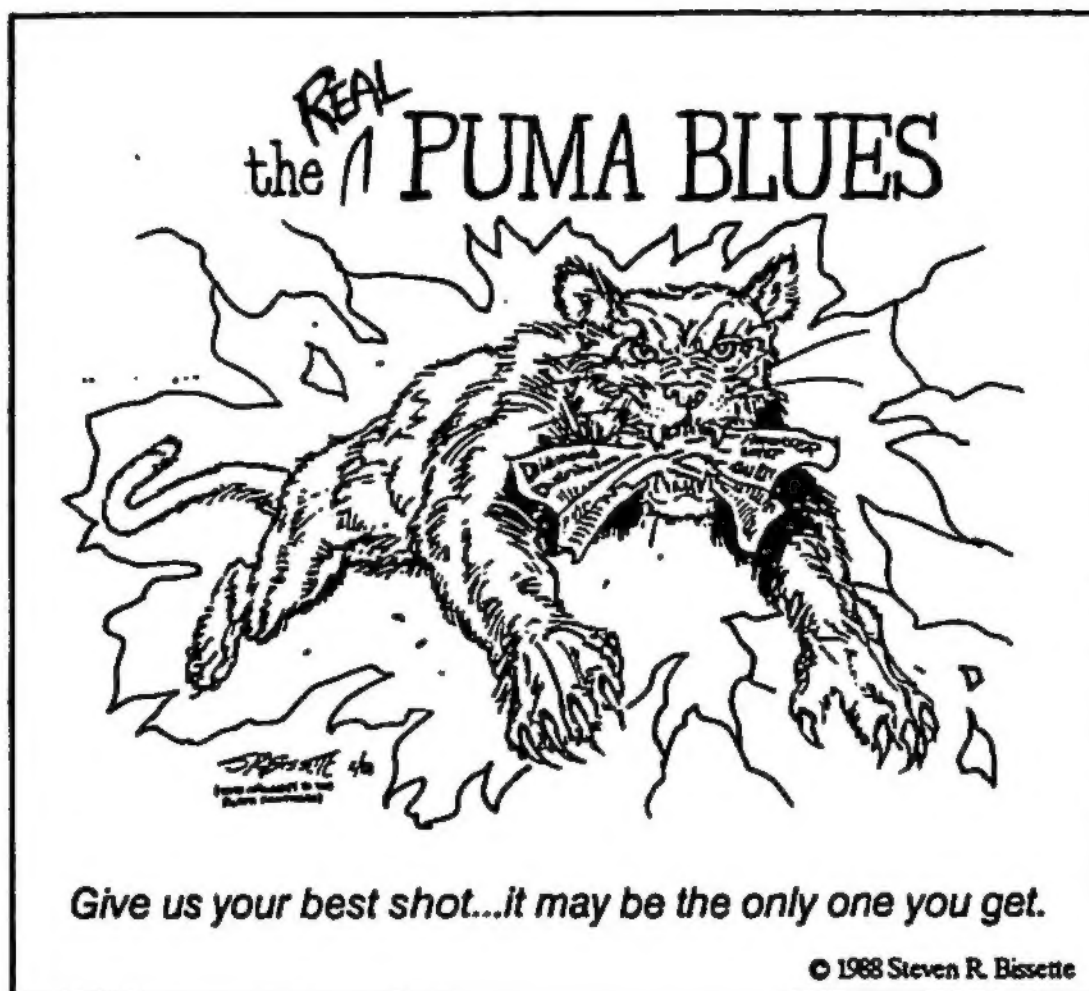
retailers directly, you solicited orders from distributors for a second printing. As you know, Diamond decided to solicit for this second printing, even though we felt we should have been offered the first printing. Although we disagreed with your handling of this product, we wanted to show you we supported you and your entire line.

Diamond Comic Distributors has long supported Aardvark-Vanaheim on *Cerebus*, *Puma Blues*, *Ms. Tree*, *Flaming Carrot*, *Swords of Cerebus*, *Journey*, *Neil the Horse*, *Normalman*, *Files of Ms. Tree*,

Black Zeppelin, as well as the second printing of *High Society*.

As you are aware, Diamond ordered 2,380 copies of *High Society* on purchase order #12028. Our cost on this order was \$16,660.00, which represents a very large sale and profit center for both Aardvark-Vanaheim and for Diamond.

After all our efforts, we were surprised to receive a form letter on October 9, 1987, stating that "Because of low advance orders for *High Society* (2nd printing), the decision has been made



to distribute these books by direct mail, as opposed to, the regular distributor channels.

Our surprise turned to shock when we read your "Note from the President" in *Cerebus* #104. A copy of this "note" is enclosed.

Dave, you indicated in an earlier conversation that you wanted to printed 6,000 copies of the second printing of *High Society*. Based on that, how can Karen possibly state you received "low advance orders" when Diamond, alone, sold over one-third of that entire print run? In my conversation with Karen when last we spoke, she told me Diamond was one of your "best distributors and the most financially strong, based on years of prompt payments." Karen also stated that "dealing with Denise Gosselin in our Order Processing Department is really nice, as Denise works with Aardvark-Vanaheim with totall professionalism and integrity."

Karen went on to explain that because other distributors consistently pay you late, or not at all, you weren't going to make *High Society* available to any distributors, even though Diamond "always pays on time".

Dave, we feel betrayed! We strongly feel we should not be unjustly penalized for the unbusinesslike behavior and practices of others. After careful and considerable thought on this subject and review with Steve Geppi, President of Diamond and Charles Parker, Vice-President, it is agreed that we must respond, in kind, to you actions. If it is your intention to pick and choose which products you want distributors to carry, it should be our privilege to choose what we wish to distribute. Therefore, it is our feeling we should no longer carry and promote *Puma Blues*.

Dave, it is our sincere desire to carry your entire line of products. We do not wish to excuse *Puma Blues*, *High Society* or any other product. Therefore, please contact us so we can come to a mutually beneficial solution to our dilemma.

We look forward to your favorable response and to working with you in the future.

Very truly yours,

William D. Schanes
National Account Representative

Round Two: Sim's Response to Diamond

This is my fifth written attempt to reply to Diamond Comics' extortion letter. For the past week I have been fuming about it. I would try and tell myself to ignore it (which is probably still the best idea all around); however I would find that I couldn't write a line of dialogue for this issue [of *Cerebus*] without the sheer gall of this communication (and all the other injustices over the years perpetrated in comic books by the business community against individual members of the creative community) overwhelming all other thoughts.

Please. Don't take that lightly. It's important to me that you all understand.

I have been labouring for four and a half years on this storyline, the idea for which came to me eight years ago. My whole life has been consumed, since 1983, with arriving at *BOOK SEVEN* "Walking on the Moon". I had taken two weeks off over Christmas and New Years, gradually psyching myself to the point where I was like a bull pawing at the turf...ready to transcribe the last five issues of my twelve hundred page story. Encouraged beyond measure by the fulsome praise of Jerry Seigel and Michael Moorcock in recent communications, feeling, at last, that I would be able to live up to a potential I have always felt I had...feeling that I would at last hit a high-water mark in my creativity...feeling that I would write something that I would have no need to apologize for or deprecate in years to come.

I can only hope that putting this down on paper is going to exorcise a number of demons that are keeping me from this task. I'm afraid it won't. And I know I won't write this issue until I can focus all of my attention and energies on it. To do any less would be to give up on the promise it represents to myself and my abilities.

After I finish this, I'm going away for a few days. By then, I hope my anger, my rage, my interior scream of pain on behalf of my profession will have diminished enough to allow creativity to return to my thoughts.

I really do.

Dear Bill.

I knew six years ago, when I did the *SIX DEADLY SINS* PORTFOLIO for Schanes and Schanes, that I had set a dangerous precedent in my dealings with you. You don't remember, do you, Bill? I had agreed as part of the contract (the last contract I have ever or will ever sign) to sign and number seventeen hundred and fifty plates. The idea was that you would send the plates to Kitchener and I would sign them over a period of several days.

Then you found out I was going to attend the San Diego Con that year. The plates never showed up. The Con weekend was mere days away and still no plates had showed up. Finally you phoned Deni and asked if I would agree to sign and number the plates while I was there. I refused. This was part business, part holiday for me. Our agreement was that I would sign the plates in Kitchener. I had no interest in using part of my holiday to sign plates that were supposed to have arrived weeks before. You whined. You bitched. You threatened. You cajoled. And you won Deni over. Businessman to businesswoman and who gives a shit about the artist. You threatened to tell everyone that I refused to sign the portfolios. You would make me look bad.

I capitulated. I thought at the time how dangerous it was to give in to someone who placed business ahead of human beings, but in the interest of peace (both business and marital) I agreed.

I got off a plane in San Diego in late afternoon, was instantly shepherded to a hotel room where I signed and numbered, through my jet-lag, until four o'clock in the

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WATCHDOG WATCHING, Cont. from page 5

morning (seven o'clock by my internal clock). The promised dinner turned into a cold hot turkey sandwich at Denny's (no, the irony wasn't lost on me).

I know you don't remember because that was also the day CAPTAIN VICTORY number one came out, and you and your cronies were, for the most part, oblivious to my presence, rhapsodizing as you were about your assured place in comics history with its publication.

The next morning was the kicker, Bill.

I staggered into the convention after about four hours sleep and starting setting up the table the convention had provided me. A fan came up as I was rummaging through my pencil case.

"Can you tell me where I can get a copy of The Six Deadly Sins portfolio?"

I smiled a weary smile.

"They've got them downstairs...at the Pacific Comics table."

"No, they don't. I asked them and they said you refused to sign the plates."

What about the next day...when one of your flunkies finally put down his copy of CAPTAIN VICTORY and assembled a few of the portfolios? Do you remember me coming down to the table, Bill? Do you remember handing me a few loose plates? Do you remember when I asked for one of the portfolio folders and you told me you only had machine-numbered folders at the table and that I DEFINITELY couldn't have one of those?

Blame it on the jet lag, Bill.

When you looked the other way, I stole one of the numbered portfolio folders...the ones you added red and blue to without telling me because "colour'll make 'em sell better."

I hear voices in your letter, Bill. I hear the voice of some gray bureaucrat saying to Jerry and Joe in 1938 "Just sign right here. A formality. Just helps us keep our records straight."

I hear the voice of the movie executive who let slip information about the *Elektra* movie in Frank Miller's presence...unaware that Frank had created Elektra and that there was a conspiracy to keep him from having any part in the production.

It is the voice of Warner Communications telling Alan Moore that Watchmen merchandise is strictly promotion and that therefore he is not entitled to royalties from their sales.

It is the voice of the same Beast 666 Fifth Avenue telling Steve Bissette "It was easier in the old days, when we owned everything and we could just say 'fuck you' to the creators."

I hear the voice of First Comics saying to Judith Hunt "Well, dear, it seems we've reached an impasse on how to handle *Evangeline*. Unfortunately for you, you've sold it to us, so either do it our way or get out."

Leaving aside the fact that sixteen thousand dollars is not tempting to me, Bill, old sock, old chum...representing as it does the income from an average two-week period of phone orders...what you are missing here is that you and I are not motivated by the same things. You, apparently,

are motivated by money. I am motivated by my absolute over-riding need to write and draw. By my addiction to creativity.

Money is merely an insulation that allows me Freedom (yes, Bill, that's a capital "F") to create, without having to spend hours on the phone talking to suits, haircuts, and other bureaucratic riff-raff.

Think, Bill. I know it's hard, but try.

I keep producing a comic book that is completely and totally uncommercial; that languishes in circulation in the same territory where it falls alphabetically: between *Captain America* and *Conan*. I could sell way more than that, Bill. Hundreds of thousands of copies. How? *Cerebus NINJA!* No. 1 (April 1989). Cover and introduction by Frank Miller. Colour by Lynn Varley. But I choose not to.

I know, Bill, I know.

It's so hard for a middle-level management type to understand. After all, you spend your whole life alternatively being obsequious and bullying people smaller than yourself for the sake of a paycheck. Along comes a guy who can get a cheque for sixteen thousand dollars just by saying "okay" and it is quite beyond your comprehension why he won't. Why he *can't*.

Some things are worth more than money, Bill (I'm sorry, William...I keep forgetting that suits and haircuts always use their full names.) Between the lines of your letter I see Paul Levitz's smile when I asked him if the counter-proposal he was about to hand me was a good deal or a bad deal.

"Well, that depends on whether you want to buy a new house this year."

Do you see, Bill? No, of course you don't, so I'll try and explain. For five decades this is as high as we have been allowed to aspire. As creators, as the life's blood of the Comics Industry. A house in the suburbs. A brand new shiny sports car. But what about the other 9/10 of income generated by Cerebus at DC? What about the revenues that pay for my "free" dinners in New York on Dick Giordano's company American Express Gold Card, Bruce Birstow's Gold Card, Peggy May's Gold Card? What about revenues from my character paying for prime Manhattan office space, plush carpets in Jenette Kahn's office? What about *that* money? I know. I know.

I'm a creator.

I'm not entitled to *that* money. That's *company* money. *Business* money.

I wouldn't understand *business*.

I'm just an artist/writer.

The Alan Moore situation scares the living shit out of me. What if I had signed the deal with DC and they had produced...say...a Cerebus stuffed toy that they were selling along with the reprinted comic books. Hundreds and hundreds of the little gray beasties. And what if I phoned and said, "Say...when do I get my cut out of the stuffed toys?" And they said, "Gee, Dave, sorry. Those are promotion items. You don't get any money from those."

Legal action?

Dave Sim vs. Warner Communications' nine law firms?

Of course I'm sure I could count on all of the distributors to boycott the stuffed toys until a settlement was

reached, right Bill? Steve? Bud? Milton? Sure; just like you won't sell any more *Watchmen* products until Alan gets his cut. Just like the shops won't handle any more *Watchmen* products til Alan gets his cut; just like all the fans won't buy anymore *Watchmen* products til Alan gets his cut.

Horse fucking shit.

The day your letter arrived, I was preparing myself to make one final pitch to Steve and John to go for a general-release on *Taboo* instead of mail order like *High Society*...in the interest of bringing some semblance of peace to the proceedings. The final decision is theirs (just as *Puma Blues* has not followed *Cerebus*' lead in instituting a price increase because they...ha, ha...didn't want to upset the distributors), but I felt I could make a persuasive argument in favour of the traditional means of distribution. Now you are threatening to destroy the *Puma Blues*, innocent by-standers, easy prey for bullies, thugs, and black-mailers.

When Karen told them that I would not capitulate, they said if I had they would've taken *Puma Blues* to another publisher because they would no longer have any respect for me.

That's something else that's worth more than money, Bill. Courage. Integrity. Ideals.

With allies like Steve and John, Stephen and Michael, we stand four-square against your ugly, gutless tyranny. We shall resist all efforts to break us, to divide us, to diminish or tarnish our ideals and our spirits.

We shall never surrender.

Do your worst.

Round Three: *Puma Blues*' Murphy & Zulli Respond: *Not Fade Away*

"It is our feeling that we should no longer carry and promote Puma Blues..."

No longer observers off to one side, we find ourselves cast suddenly into the role of pawn by a player who finds no recourse but to stoop to a game one can only too kindly describe as retaliatory coercion—our work reduced to the function of a bargaining chip.

Call it what you will. The bottom line is that Diamond distributes 33% of our print run.

We've worked hard maintaining a presence in this diminishing black-and-white marketplace. We know our work has improved considerably since first being published a year and a half ago. Now we meet up with this.

Aside from anger and anxiety, how are we to feel? What are we to think?

Are we merely a bargaining chip? A Judas goat? Something more? Remember Steve Geppi's stance in last year's rating and censorship dispute, recalling his statement that "Diamond has been accused by its competitors of being a censor because of our stance. We are not censors. We no more want someone deciding for us than you do..." (*Comics Journal* #113), and we are left feeling that

someone's deciding just who will or will not be able to purchase the *Puma Blues*.

We are forced to guess at motivation and strategy (when all we want to do is work and see our vision unfold).

So, what are we to think? One thing is immediately clear: we *resent* being placed in a position where our publisher is forced to take *our* well-being into account when making a business decision (that should have nothing at all to do with us.) Furthermore, Diamond ignores the fact that Aardvark-Vanaheim and Aardvark One International are distinct separate companies. Ironical considering the latter is a publishing venture formed solely with the intent that creators have an outlet through which to work *freely*, unhindered by editorial and other such external concerns.

"We strongly feel we should not be unjustly penalized for the unbusiness-like behavior and practices of others..."

Really, Diamond. We hold a mirror to your words. The threat you make without the slightest self-reflection does not repudiate the notion of the small-mindedness of the ghetto in which this industry continues to writhe.

We urge readers to bring this matter to the attention of retailers. Should Diamond feel it necessary to follow through with their threat then we urge retailers who have been ordering *Puma* through Diamond to please consider ordering our work through any of the other distributors listed upon our inside front cover. Should you have any questions regarding this matter, feel free to call Karen McKiel at 519-576-0610.

In closing, we maintain our position as innocents and remind all who read this of one thing—many a game has ended whereupon some pawns survive. *The Puma Blues* tends to survive, hopefully with, but even without, Diamond Comics.

Signed,

Michael Zulli
Stephen Murphy
20 January 1988

Last Round: *Puma Blues* Returns

Sim revealed his position in *Comic Buyers' Guide* and *Cerebus*, and made it clear that he would not submit to extortion.

Geppi withdrew his threat after public exposure. Diamond once again carries *Puma Blues*.

It's our hope that this incident brings these "secret wars" to an end. In the comics world, no secret, whether it be assignment, slight, threat, or pressure, stays secret for long. Bullying and power games by any sector of the industry can only lead to public embarrassment, and waste energy that should properly be put into putting out the books.

They're Ba-a-ack...

After the Siegel & Shuster lawsuit in 1947, both Marvel and DC began the noxious practice of printing statements on the back of every check issued by the companies. According to these "back-of-the-check statements," the freelancer agreed that all rights to the material for which he was being paid belonged to the company and that the material was a "work-made-for-hire."

In 1978, the copyright laws were revised. DC abandoned the back-of-the-check statement in favor of a deal memo, signed by both parties, setting forth terms of the purchase of each individual story.

Marvel required all its freelancers to sign a single, all-encompassing, forever-and-always statement that any work produced for the company then and in the future was a work-made-for hire.

Apparently that wasn't good enough. As of January 1, 1988, Marvel reinstated the back-of-the-check statement...except that this time it's on the back of the company's standard *voucher* form. (Reproduced below.)

Ignore for a moment the brutal language of this statement. Demeaning though it may be to the artist or writer, giving up "all rights of any kind and nature" is part and parcel of *any* work-made-for-hire agreement.

Ignore for a moment that this "agreement" constitutes a rather unsophisticated form of blackmail, since it's presented to the artist or writer on the back of a voucher and therefore, presumably, *after* the work has been performed.

Ignore for a moment that this "agreement" may not even be an "agreement," since that word implies the par-

ticipation of at least two parties, and only *one*—the artist or writer—has to put his signature to this statement.

Ignore for a moment that absurd notion that any individual, in any employment situation, can be required to waive his right to seek redress through the judicial system in order to be paid for work already "commissioned."

Ignore all that, and consider instead what's *missing* from the statement: any mention of reprint fees; any mention of royalties or "incentives"; any mention of the percentage interests some artists and writers have in characters created for Marvel.

By signing a voucher with this statement printed on the back, the freelancer may — if the statement is enforceable — be surrendering "all rights of any kind and nature" to any of those additional payments.

Under the terms of this statement, Marvel has no obligation whatsoever to pay these additional fees. Worse, the creators are expected, *as a precondition of billing for the work*, to agree "never to contest" Marvel's decision to make or not make such payments.

It's time that Marvel stopped asking artists and writers to work under the terms of this pernicious, one-way "agreement."

It's time that the exact terms of any "incentives" or royalties or reprint fees were spelled out *as part of the work-made-for-hire agreement* — and that payment of these fees became an *obligation of the publisher*.

MARVEL ENTERTAINMENT GROUP INC.
WORK FOR HIRE VOUCHER AGREEMENT
SUBJECT TO THE TERMS ON THE REVERSE SIDE HEREOF

USE BALL POINT PEN — PRESS HARD, YOU ARE MAKING 4 COPIES

SUPPLIER'S NAME _____
NAME OF MAGAZINE _____
TITLE OF STORY _____
JOB NUMBER _____
NUMBER OF PGS (HRS) _____
SUPPLIER'S SIGNATURE _____

In consideration of Marvel Entertainment Group, Inc. ("MARVEL") commissioning and ordering from SUPPLIER the written material, artwork or services referred to in this Voucher (the "Work") and paying therefor, SUPPLIER acknowledges, agrees and confirms that the Work was created, prepared or performed by SUPPLIER under commission from MARVEL for use as a contribution to a collective work (known as "Marvel Comics") and that as such the Work was and is expressly agreed to be considered a work made for hire for purposes of all copyright laws.

In addition to the foregoing, SUPPLIER expressly conveys and grants to MARVEL forever all rights of any kind and nature which SUPPLIER may have in and to the Work (including but not limited to the unrestricted right to make modifications, adaptations and revisions to the Work), and the right to use SUPPLIER's name in connection therewith and agrees that MARVEL is the sole and exclusive copyright proprietor thereof having all rights of ownership therein. SUPPLIER agrees never to contest MARVEL's exclusive, complete and unrestricted ownership in and to the Work (including all copyright rights therein), or to claim adverse rights therein.

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counter and had to specifically be requested.

The arresting officer never witnessed the sale of any "obscene" material to a "youth," and, in fact, the only person Correa was witnessed selling the materials to was the officer himself.

Nonetheless, the first bout of the case ended in January 1988 with Michael Correa receiving a fine and one year's probation, and being warned by the judge not to return to his job, though the judge admitted Correa had every legal right to go back to work.

Four comic books — *Bizarre Sex*, *Weirdo*, *Bodyssey*, and *Omaha, the Cat Dancer* — were declared legally obscene. This was not even by the community standards of the heavily fundamentalist and Dutch Reform Church-controlled town of Lansing, just the standards of the police department of Lansing (the police action being prompted solely by the arresting officer; no citizen complaints were on record or presented at trial). The decision served to render these books legally obscene and open to prosecution throughout the 6th District (Chicago and suburbs) of the state of Illinois. Clearly, this situation cannot be allowed to stand.

Michael Correa, however, plans to appeal, and we are confident the decision will be overturned. His new lawyer is famed First Amendment attorney Burt Joseph. The situation looks good for our side. The appeal is being paid for through the Comic Book Legal Defense Fund set up by Denis Kitchen. If the case succeeds in appeal, it may set a legal precedent that comics are art entitled to First Amendment protection.

While expectations of a widespread "crackdown" on comic books have not yet been realized, despite doom-sayers who have preyed on such fears in the abortive attempt to impose ratings on the industry, the Friendly Frank's case shows that such a thing is possible. The main error made in the case was that the shop's owner, Frank Mangiaricina, asked to be left to handle things on his own, without the visible or vocal support from the comics industry. If the Comic Book Legal Defense Fund had been in place before the Friendly Frank's arrest, the situation might not have gotten as far as it has. It is now in place; if a case similar to Friendly Frank's arises, support will be there.

But monetary support is not enough. In these situations, the unwavering support of the comic book industry is necessary.

This is, then, a time for all freelancers to join together in a show of strength. While the increasing sophistication of the industry has received favorable press in such national magazines as *Time*, *Newsweek*, and *Rolling Stone*, and graphic novels are now regularly reviewed in literary supplements in major newspapers, we can't wait for the press to stumble across a realistic portrayal of comics.

We can't leave it up to the companies. They, separately or in unison, have shown no interest in bringing the general public up to date with developments in the medium, and history has not shown comic book companies to frequently have the interests of the freelancers at heart.

To them, this is a business.

To us, this is an art.

While we can hope to have the companies, as well as those in the distribution and retail ends of the business, on our side, recent events prove we cannot depend on it. (The response of one well-known dealer to the Friendly Frank's conviction was to again pressure comic books companies to put ratings on their comics. This time, however, the dealer did not go public with his demands, but presented them on the q.t., apparently to avoid the public debate that crushed the plan the last time around.)

So it's up to us. The freelancers. We must join together in open support for Michael Correa, and for the progress of the comics medium.

Traditionally, we've been told we have little strength outside the auspices of one company or another. Last year's ratings debate, in which freelance opposition turned the tide, burst the bubble of that myth.

We are the ones creating the material that is pushing the medium forward. We are the ones who have the most to lose if we let forces outside or inside the industry hold us back.

As a start, several dozen professionals from the Santa Barbara, Los Angeles and San Diego areas held a fundraiser at the Golden Apple store on Melrose Ave. in Hollywood, on Feb. 13, 1988. \$1,350 was raised for the Comic Book Legal Defense Fund by selling autographs, autographed works, and a special commemorative poster, and the publicity was used to promote the image of comic books as entertainment for all ages, not just for children. Other events in preparation are an art auction and a protest comic book.

We encourage professionals in other pockets of the industry—New York, Chicago, San Francisco and London—to organize similar projects.

Helping Friendly Frank's

Those wishing to donate money to the Comic Book Legal Defense Fund—and through it, to the Friendly Frank's appeal and other comics-related First Amendment issues—may send a check (no cash) to:

Comic Book Legal Defense Fund
P.O. Box 501
Princeton, NJ 54968

At this time, such a donation is not tax-deductible. Sorry.

THE COMICS FREELANCER'S LEXICON

As comics have grown into a big-money industry, and companies battle for a lock on the market, there has been an epidemic of new jargon from editors, publishers, and their employees. To help the freelancer who wants to know what an editor or publisher is actually saying when they speak, we present this jargon/English dictionary. We welcome additions, and will update this lexicon in each issue of WAP!

ACTION (ak-shun) *n.*: gratuitous violence, esp. fistfights. "It needs more action."

ARTSY-FARTSY (art-see-fart-see) *adj.*: drawing on influences other than old Marvel comics. "Alan Moore's writing isn't good, it's just artsy-fartsy."

BACK TO BASICS *phrase*: taking over a series, lifting wholesale what the creator of the series did, inc. stories, and calling it your own work. "This book has gone off the track. We need to go back to basics."

CRAZY (kraz-ee) *adj.*: 1) quit the company recently. 2) moved to California. "Frank Miller's not going to follow up *Batman: Year One*? He must be crazy."

DIFFICULT (dif-i-kult) *adj.*: looks out for own interests, not those of the company. "You don't want to use him. He's difficult."

DISLOYAL (dis-loi-al) *adj.*: 1) acts like a freelancer. See *Freelancer*. "Why would you work for them? You wouldn't want the people up here to get the idea you were disloyal, would you?"

DO-ABLE (due-uh-bull) *adj.*: it will never happen. cf. Dick Giordano. "That sounds do-able."

FREELANCER (free-lan-sir) *n.*: a person who will work for any company that meets his terms.

GENIUS (jeen-yus) *n.*: 1) an artist or writer whose name has sales value. 2) an artist who can draw more than 4 pages per day. 3) a freelancer who goes drinking with the editor-in-chief. 4) someone who used to work for Marvel but now works for DC. 5) a staff member who can operate a typewriter. "I discovered him. He's a genius."

HACK (hak) *n.*: any professional over 40 who doesn't demonstrate sales strength and isn't Dick Giordano or Joe Orlando. "Why would you want to use that old hack?"

HOMAGE (om-ij) *n.*: an exercise in nostalgia. See *Nostalgia*. "This story is an homage to those great old Bizarro stories."

HOMMAGE (oe-maj) *n.*: pretentious version of *Homage*. "This story is an homage to Tintin."

INCENTIVE (in-sen-tiv) *n.*: a paternalistic bribe which a company is under no obligation to provide, and which may be removed, modified or withheld at the company's whim. "To match the royalty plans offered by other comics companies, Marvel is initiating an incentive program." Not to be confused with *Royalty*.

IN-FIGHTING (in-fite-ing) *n.*: communication. "If we had consulted the major talents in the business about our ratings system, there would have been a lot of infighting among the freelancers."

MAKING COMICS FUN AGAIN *phrase*: see *Homage*. cf. DC Comics slogan, "We're making comics fun again."

NOSTALGIA (no-stal-ja) *n.*: 1) the desire to relive childhood responses by copying what artists and writers were doing 25 years ago, without adding anything new or innovative to the mix. 2) plagiarism. 3) creative necrophilia.

OVER THE HILL *phrase*: see *Hack*.

POSITIONED (po-zish-ond) *v.*: praying to god the audience doesn't wise up. "We're positioned to take full advantage of the expanding comics market."

PRIMA DONNA (pree-muh don-nah) *n.*: any freelancer of sufficient popularity that he must be negotiated with instead of dictated to. "Howard Chaykin has turned into a real prima donna."

REVAMP (ree-vamp) *n.*: a voodoo practice involving the revamping of a character or series. "Our new version of *Flash Gordon* is a complete revamp." *v.*: prop up the lifeless corpse of a character or series that has ceased to have any meaning or sales value in a changing market. Usually applied only to company-owned characters. "We're going to completely revamp Superman."

ROYALTY (roi-al-tee) *n.*: a payment to a writer or artist for each copy of his book sold, an obligation legally binding upon the publisher. "In 1978, Eclipse Comics started a line of creator-owned books, and introduced the first royalty plan in comics."

SCUM (skum) *n.*: freelancer. cf. Jim Shooter. "Here's how things work at Marvel. There are people on staff, who get first crack at assignments. There are people on contract, who get next crack. There are people who aren't on contract but only work for Marvel, who come next. Then there are the scum who'll work for anyone."

SOLID (sol-id) *adj.*: fills a book. "This is a good, solid story."

UNCOMMERCIAL (un-ko-mor-shal) *adj.*: 1) having content that relates to something other than other comic books. 2) featuring a new idea. "We can't publish Art Spiegelman's *Maus*. It's too uncommercial."

UNPROFESSIONAL (un-pro-fesh-o-nal) *adj.*: demonstrating interest in the integrity of one's own work. "You can't expect us to call you every time we want to change something. Don't be unprofessional." See *Difficult*.

UNRELIABLE (un-ri-lie-a-bel) *adj.*: see *Difficult*.

WE'RE THE GOOD GUYS *phrase*: Bend over and spread 'em. cf. DC Comics slogan. "You want to work for us, not Marvel. We're the good guys."

WHORE (hohr) *n.*: see *Scum*.

WRONG-MINDED (rawng-mine-did) *adj.*: disagreeing with company or editorial policies. cf. Dick Giordano, "It's hard to fight with people who are wrong-minded, in my opinion."

WAP! WANTS YOU...

WAP! welcomes articles, letters, cartoons, news, gossip, and entries for our jargon-English dictionary from all comic book freelancers.

You don't have to be a "big name" in the industry. You don't have to be a writer or primarily a penciller. We want to provide a forum for inkers, letterers, and colorists, too. You can write (or draw) anonymously, if you like, or demand a byline. But don't bother asking if you can contribute — *we insist on it*.

The address for editorial contributions is:

WAP!

1879 East Orange Grove
Pasadena, CA 91104



A Statement of Intent

All too often, we freelancers work in isolation. Many artists and writers in comics only encounter one another in the halls at Marvel and DC, a less-than-ideal arena for sharing information, airing gripes, and finding out what's going on elsewhere in the industry.

WAP! was created to change all that.

WAP! is a newsletter designed exclusively for freelance comics professionals, a place where we can discuss freely the issues that affect our position in the art and commerce of comic books and graphic novels.

Virtually all of the comics-related press is controlled by or dependent upon one publisher or another. *The Buyers' Guide* relies on publishers for advertising and news, and shies away from embarrassing them. *The Comics Journal* is published by a publisher of comics. DC's recently-announced "freelancers newsletter" can hardly be expected to analyze and criticize DC's policies, since DC routinely fires its editors for doing so in print.

WAP! will be dependent upon no publisher, beholden to no publisher. *WAP!* will make no attempt to represent

the fans' point of view, nor that of editors, management, retailers, or distributors.

WAP! is *ours*.

WAP! belongs to the freelancers. Over time, *WAP!* can help us develop an information network as effective as the publishers' own. As a clearing house for rumor and gossip (and even the occasional fact that surfaces in the industry), *WAP!* can make it easier for us to take action, to exert our influence on issues that directly affect our art and our careers.

WAP! invites you to contribute. Cartoons, articles, news, gossip, and letters from *all freelancers* are *always* welcome.

We are the people who make the comics.

Without *us*, the publishers have nothing to publish, the editors nothing to edit, the distributors nothing to distribute.

Starting now, we ~~have~~ have a link to one another and a voice in the way the industry works: *WAP!*



1879 East Orange Grove Blvd.
Pasadena, CA 91104



STEVE GERBER
Words and Pictures
1879 East Orange Grove Blvd.
Pasadena, CA 91104

FANTAGRAPHICS BOOKS

1800 BRIDGEGATE STREET
SUITE 101
WESTLAKE VILLAGE, CA
91361

May 9, 1988

Dear Steve:

ph: (805) 379-1881

FAX: (805) 494-3713

You asked me to put our request for an apology and retraction in writing today, which I'm happy to do; we'll also take this opportunity to explicate the nature of our grievance.

After being apprised that the first issue of WAP contained a thinly veiled but unmistakable slur against Fantagraphics Books and the Hernandez Brothers ("Love and Empty Pockets" Dept), Kim Thompson called editor Steven Grant and requested a copy of the newsletter.

Grant read the item to Kim over the phone, claiming that it was preceded by "it is rumored that..." or words to that effect. (This claim turned out to be false, and was apparently a stalling tactic on Grant's part to avoid being confronted more directly with the falsity of WAP's insinuation.)

At that point, Kim denied the story (rumor) in its entirety. Kim demanded a retraction, which Grant agreed to.

The claim that Jaime and Gilbert Hernandez are so poorly paid that they have to work as laborers on our house is a complete and total lie. It is no secret, though totally irrelevant to the fabrication printed in WAP, that we have employed other Hernandezes in various capacities: one brother, Mario, who does not do comics for a living and is a carpenter by trade has done work for us in that capacity. Another brother, Ismael, worked in our office as a typesetter. Mrs. Hernandez almost did some translating for us at one time. But none of this, it seems to us, is anyone's business, and has nothing whatsoever to do with Jaime and Gilbert, who derive their entire income from writing and drawing.

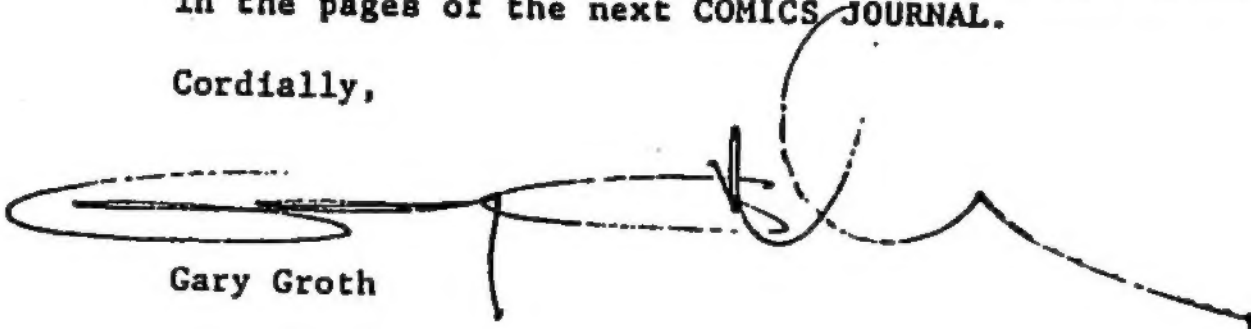
We realize that errors occur when publishing a magazine or newsletter of topical interest, but it is quite clear to us that the tone of the "rumor" --indeed, the tone of the whole issue-- clearly reveals that the WAP editorial staff delights in maliciously and irresponsibly printing items that are completely untrue, severely distorted, and probably harmful to the victims -- possibly in the mistaken belief (voiced by Steve Gerber, who seems to be the only adult in the bunch, and should know better) that not using actual names is a legal (if not ethical) safeguard.

We know the difference between journalism that strives toward a reasonable standard of objectivity and advocacy journalism that imposes an interpretive spin on events, but there are certain clear standards applicable to both -- a respect for factual accuracy being of foremost importance. The bulk of WAP, including the two front-page essays on the Friendly Frank prosecution and the Sim-Diamond dispute are error-ridden, badly researched, and indulge in tendentious distortions of fact. Frankly, if any of our journalists or critics had turned in an opinion piece one-tenth as error-ridden and malicious as most of WAP, we would have fired him on the spot.

A newsletter for cartoonists could probably be a worthwhile endeavor, but WAP in its present editorial incarnation is nothing more than a mean little propaganda sheet. We think you owe an apology not just to Fantagraphics Books and the Hernandez Brothers and every other professional in the business whom you unfairly (and anonymously) maligned, but to the comics profession as a whole.

You will be apprised of the many other errors of fact that riddled WAP #1 in the pages of the next COMICS JOURNAL.

Cordially,



Gary Groth

• cc: Mr. Frank Miller
Mr. Steven Grant
Mr. Dick Giordano, DC Comics
Mr. Tom DeFalco, Marvel Comics
Mr. Dean Mullaney and Ms. Cat Yronwode, Eclipse Comics
Mr. Rick Obadiah, First Comics
Mr. Bob Schreck and Ms. Diana Schutz, Comico Comics
Mr. Denis Kitchen, Kitchen Sink Comics
Ms. Deni Loubert, Renegade Press
Mr. Don Thompson, Comics Buyer's Guide
Mr. Dave Sim, Aardvark-Vanaheim
Mr. art spiegelman, RAW Books
Mr. Bernd Metz, Catalan Communications
Mr. Neal Adams, Continuity Graphics
Mr. Randy Stradley, Dark Horse Comics
Mr. J. Michael Catron, Apple Comics
Mr. Mark Nevelow, Piranha Press
Mr. Bill Marks, Vortex Comics
Mr. Bill Sienkiewicz
Mr. Steve Bissette
Mr. Sergio Aragones
Mr. Frank Mangiaracina, Friendly Frank
Mr. Steve Geppi, Diamond Distributors
Mr. Bud Plant, Bud Plant Distribution
Mr. John Davis, Capital Distribution
Mr. Buddy Saunders, Lone Star Comics
files